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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

JUAN ANDRADE QUIROGA,

Defendant and Appellant.

2d Crim. No. B239479
(Super. Ct. No. 2010016776)
(Ventura County)

Juan Andrade Quiroga appeals from the judgment entered after a jury convicted him of assault with intent to commit forcible oral copulation (count 1; Pen. Code, § 220)¹, false imprisonment by violence (count 2; § 236), four counts of forcible copulation (counts 3, 4, 7, & 10; § 288a, subd. (c)(2)), and four counts of anal and genital penetration by foreign object (counts 5, 6, 8, & 11; § 289, subd. (a)(1)). The trial court sentenced appellant to 24 years state prison and ordered appellant to pay a \$2,400 restitution fine (§ 1202.4, subd. (b)), a \$2,400 parole revocation fine (§ 1202.45), \$7,023 to the Victim's Compensation and Government Claims Board, (§ 1202.4, subd. (f)), a \$500 fine (§ 290.3), \$550 for the victim's medical/legal exam (§ 1203.1, subd. (h)), a 400 court security fee (§ 1465.8), and a \$300 criminal conviction assessment (Gov. Code, § 70373).

¹ All statutory references are to the Penal Code unless otherwise stated.

We appointed counsel to represent appellant in this appeal. After examination of the record, counsel filed an opening brief in which no issues were raised.

On August 28, 2012, we advised appellant that he had 30 days within which to personally submit any contentions or issues he wished us to consider. On October 2, 2012, we received a letter from appellant stating, among other things, that he was denied effective assistance of counsel, that he was illegally detained, that he was denied the right to counsel during a police interrogation, that the prosecutor committed misconduct and suppressed an officer's statement favorable to the defense, and that the victim gave inconsistent statements.

These contentions are not supported by the record (*Strickland v. Washington* (1984) 466 U.S. 668, 687 [80 L.Ed.2d 674, 693]; *People v. Bolin* (1998) 18 Cal.4th 297, 333) nor was appellant denied a fair trial (*Untied States v. Bagley* (1985) 473 U.S. 667, 678 [87 L.Ed.2d 481, 491]; *People v. Fudge* (1994) 7 Cal.4th 1075, 1102-1103; *People v. Booker* (2011) 51 Cal.4th 141, 186 [prosecutorial misconduct did not cause prejudice under any standard of review where evidence of guilt overwhelming]). The evidence shows that appellant took the 18-year-old victim (Stephanie C.) to his workshop, held a box cutter to her neck and forced her to undress, and sexually assaulted her. During the sexual assault, the victim broke a wine bottle over appellant's head, twice attempted to call 911, jumped over a barb wire fence, and ran to a nearby apartment where the police were summoned.

Appellant was arrested minutes later with the box cutter in his pocket, bruises on his forearm, cuts on the back of the head near the hairline, and glass or blood on the top of his head. Appellant's DNA was on the victim's right inner thigh and breast. In a *Miranda* interview (*Miranda v. Arizona* (1996) 384 U.S. 436 [16 L.Ed.2d 694]), appellant claimed the sex acts were consensual.

We have examined the entire record and are satisfied that appellant's appointed counsel has fully complied with his responsibilities and that no arguable

issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 124; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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YEGAN, J.

We concur:

GILBERT, P.J.

PERREN, J.

Charles W. Campbell, Judge
Superior Court County of Ventura

Gilbert W. Lentz, under appointment by the Court of Appeal, for Defendant
and Appellant.

No appearance for Respondent.